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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

JAN 16 2004

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
BCE NEXXIA CORPORATION FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED
INTEREXCHANGE SERVICES AND PETITION
FOR COMPETITIVE CLASSIFICATION OF
PROPOSED SERVICES WITH THE STATE OF
ARIZONA.

DOCKET NO. T-04200A-03-0550

PROCEDURAL ORDER

BY THE COMMISSION:

On August 5, 2003, BCE Nexxia Corporation ("Applicant" or "BCE") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based interexchange telecommunications services within the State of Arizona. The Application petitioned the Commission for determination that its proposed services should be classified as competitive.

On October 21, 2003, the Commission's Utilities Division Staff ("Staff") filed its Staff Report.

On October 27, 2003, the Commission issued a Procedural Order that set this matter for a hearing on January 15, 2004 at 2:00 p.m. at the Commission's offices. The Procedural Order also ordered BCE to publish notice of its filing and the hearing as stated in the Procedural Order in a newspaper(s) of general circulation in every county in Arizona in which BCE desires to provide service by November 21, 2003, and file an Affidavit of Publication with the Commission no later than December 5, 2003.

On January 15, 2004, the hearing was held as scheduled. BCE failed to appear for the hearing. Staff appeared and was represented by counsel. At the hearing, it was noted that BCE failed to file an Affidavit of Publication as directed in the October 27, 2003 Procedural Order.

Based upon BCE's failure to comply with the October 27, 2003 Procedural Order and BCE's

1 failure to appear at the January 15, 2004 hearing, this matter should be dismissed and
2 administratively closed.

3 IT IS THEREFORE ORDERED that BCE Nexxia Corporation's Application for a Certificate
4 of Convenience and Necessity to provide facilities-based interexchange telecommunications services
5 within the State of Arizona is dismissed, and this matter is administratively closed.

6 DATED this 16 day of January, 2004.



PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

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10 Copies of the foregoing mailed/delivered
11 this 16 day of January, 2004 to:

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By: 
Molly Johnson
Secretary to Philip J. Dion III